
EMERGENCY/DISASTER LEAVE

APPLICATION: Full-time and part-time classified employees.

PURPOSE

This policy permits agencies to grant up to 80 hours of paid leave annually to qualifying employees who are called away from their regular jobs to provide specific kinds of emergency services during defined times of state and/or national disaster. This policy also permits agencies to grant up to 80 hours of paid leave annually to employees who are victims of disasters that meet the criteria specified in this policy.

DEFINITIONS

Emergency Services

The preparation for and carrying out of functions to prevent, minimize and repair injury and damage resulting from natural or man-made disasters. These include fire-fighting services, police services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, emergency resource management, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civilian protection. See Va. Code § 44-146.16. Employees activated under military orders, whether by state or federal authorities, are not covered by this policy. See Military Leave, Policy 4.50.

Major Disaster

An official status declared by the President of the United States when he deems that federal assistance is needed under the Stafford Act (P.L. 93-288 as amended) to supplement state, local, and other resources to deal with the effects of a variety of natural or man-made catastrophic events.

Man-made Disaster

An event caused by the action of one or more persons that imperils life and property and produces danger or the imminent threat of danger through exposure to biological, chemical, or radiological hazards, as defined in Va. Code § 44-146.16. Examples include large spills resulting from transportation or industrial accidents, and effects of terrorist acts. Some man-made disasters may also be called technological disasters.

Natural Disaster	An event of nature that causes extensive and/or severe threat to or destruction of life and/or property, as defined in Va. Code § 44-146.16. Typically, such situations are the result of wind, earthquake, blizzard, ice storm, widespread fire, or flood.
Primary Personal Residence	The home or apartment in which the employee resides most of the time. This does not include vacation or second homes, nor property owned but not occupied by the employee. Normally, this location will bear the employee's official address as recorded by the city or county where the dwelling is located.
Specialized Skills or Training	Specific, definable skills or training that enables an individual to provide certain identified services needed during periods of state or national emergency or disaster. These skills and training may or may not be related to the qualifications used in the employee's state job.
State of Emergency	The status declared by the Governor of Virginia (see Va. Code § 44-146.17) or of another state for conditions of sufficient severity and magnitude that assistance is needed to supplement the efforts of localities and other relief organizations.

BASIC PROVISIONS

Pay During Emergency/Disaster Leave	<p>An employee shall continue to receive his or her normal salary for up to 80 hours while using approved Emergency/Disaster leave under this policy.</p> <p>The Commonwealth will not pay for expenses related to providing emergency service, such as travel, food, or lodging.</p>
--	--

Requesting Emergency/Disaster Leave	Employees must request Emergency/Disaster Leave in accordance with procedures established by their agencies. Agency heads or their designees have sole discretion to approve requests for paid leave in the emergency or disaster situations described in this policy.
--	--

Leave to Provide Emergency Services	<p>Employers may approve an employee's request to use up to two weeks (80 hours) of paid leave annually to provide emergency services in compliance with the criteria of this policy.</p> <p>Employees asked by emergency/relief service authorities to extend their service beyond 80 hours for the same event may request approval from their agencies to use appropriate accrued leave or leave without pay. Approval is at the discretion of the agency head or designee.</p>
--	---

NOTE: If supplying emergency service is within an employee's normal job duties, the employee shall serve in the manner

directed by his or her agency. The time will be treated as normal hours of work and will not be considered Emergency/Disaster Leave under this policy.

Qualifying Events

Employees may be granted leave to provide emergency services if all of the following criteria are met:

- The area is covered by an official declaration of major disaster by the President of the United States, or a declaration of a State of Emergency by the Governor of Virginia or the governor of another state.
- Public officials at the site of the disaster have requested the assistance of individuals with specialized skills or training.
- The employees possess the required specialized skills or training requested by the authorities.
- Employees present written requests to provide emergency services and obtain approval prior to using leave under this policy.

Leave for Victims of Disaster

Leave may be available under this policy to an employee who has sustained severe or catastrophic damage to or loss of his or her primary personal residence, or has been ordered to evacuate that residence, as a result of a natural or man-made emergency or disaster.

Agency heads have sole discretion for authorizing up to 80 hours of leave annually under this policy for employees who meet all criteria shown below:

- The event resulted in a formal declaration of a State of Emergency or of federal disaster status.
- The employee's home was located in the officially declared disaster area.
- Formal documentation from recognized disaster relief organizations or insurance companies verifies severe, extreme, or catastrophic damage to or loss of personal property as a result of the declared emergency in which the damage or required evacuation rendered the employee's home temporarily or permanently uninhabitable.

The Commonwealth will **not** pay for expenses incurred by the employee in recovering from the personal effects of a disaster.

**AGENCY
RESPONSIBILITIES**

Agencies should establish an internal process for employees to submit requests and for the agency to evaluate employee eligibility for leave under this policy.

Emergency/Disaster Leave to provide emergency service shall be granted at the discretion of the requesting employee's agency head or designee. In evaluating such requests, agency heads should consider the need for the employee to provide the specified assistance and the expected impact of the employee's absence on the agency's ability to fulfill its mission.

Agencies are responsible for ensuring that they have the required documentation before awarding paid leave. For leave to provide emergency services, this includes:

- confirmation of the declaration of disaster by the President of the United States, Governor of Virginia, or governor of another state;
- verification of the request for assistance by the appropriate officials; and
- corroboration that the employee possesses the relevant specialized skills or training.

For leave for victims of disaster, this includes:

- confirmation of the declaration of a State of Emergency or federal disaster status;
- documentation that the employee's primary residence is in the official disaster area
- verification as cited above of catastrophic damage to or loss of the residence, or requirement to evacuate the residence.

When an employee who is the victim of catastrophic damage to or loss of his or her primary residence, or who has been ordered to evacuate that residence, requests leave under this policy, the agency must obtain verification that the criteria described above (Leave for Victims of Disaster) have been met.

**EMPLOYEE
RESPONSIBILITIES**

Employees are responsible for requesting leave as required by their agency procedure, and for providing the required documentation or verification as listed above.

AUTHORITY

The Department of Human Resource Management issues this policy pursuant to the authority provided in Va. Code § 2.2-1201. This policy supersedes Policy 1.15, Disaster Relief, issued

9/16/93.

INTERPRETATION

The Director of the Department of Human Resource Management is responsible for official interpretation of this policy, in accordance with Va. Code § 2.2-1201.

Questions regarding the application of this policy should be directed to the Department of Human Resource Management's Office of Agency Human Resource Services.

The Department of Human Resource Management reserves the right to revise or eliminate this policy.

**RELATED
POLICIES**

4.50, Military Leave
